

EYE ON THE CLIFFS

"Let people know the facts and the country will be safe." Abraham Lincoln

EC for Responsible Government

Website: <https://ecfrg.org>

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800 SYLVAN STRIKES BACK AT MAYOR ASKS JUDGE TO FIND BOROUGH IN BREACH OF THE SETTLEMENT AGREEMENTS AND IN CONTEMPT OF COURT

On May 5, attorneys for 800 Sylvan Avenue filed an Omnibus Court Motion against the Borough for contempt of court, for legal sanctions, and remedies (which could include monetary penalties and incarceration). 800 Sylvan denounced the Borough's recent actions that seek to nullify the October 4, 2020 Affordable Housing Settlement Agreements.

800 Sylvan asserted that "the Borough and its leaders are in open rebellion against the Constitution and the Court's authority." 800 Sylvan's proposed Court Order seeks the following:

- Financial penalties against the Borough, the Mayor and each of the Councilpersons who voted to nullify the Settlement Agreements.
- Incarceration of those who continue to flout the Court Orders.
- Reimbursement of its legal fees.
- Appointment of an independent firm, in lieu of the Borough, to give all permits and provide all inspections related to the 800 Sylvan Avenue property. Permit and inspection fees paid by 800 Sylvan would be paid to the independent firm instead of to the Borough.
- Court approval of the Final Judgment of Compliance and Repose which will formally end the affordable housing litigation. It was delayed pending final recommendations to the Court by Special

Hearing Officer Judge Gallipoli regarding the 800 Sylvan Avenue site plan.

A Court hearing date on 800 Sylvan's motion is set for May 21. The Court is expected to decide on several pending matters at that time, including: the Borough's Motion to nullify the Settlement Agreements, 800 Sylvan's Motion for sanctions against the Borough and certain of its elected officials, Judge Gallipoli's final recommendations regarding the 800 Sylvan 450-unit site plan, and the Borough's lawsuit against its former affordable housing attorneys.

Commentary

The Borough has already expended upwards of \$4.2 million on affordable housing litigation. Now, the Mayor and Council are reportedly budgeting another \$1.7 million in the 2021 budget in an effort to defy the State Constitution and the State Courts by voiding the Affordable Housing Settlement Agreements. The Borough's Affordable Housing litigation was settled last October when the Borough signed the Settlement Agreements, and the Court approved them.

Bringing new litigation in an attempt to overturn the Settlement Agreements is a waste of taxpayer money. Continued litigation is unlikely to change the outcome. The courts in New Jersey have a long history of protecting the rights of individuals who need affordable housing. It is an obligation based on the State Constitution, the State Legislature, and decades of court decisions.

Mayor Kranjac's campaign pledge to "Stop 800 Sylvan" helped him win reelection as well as control of the Borough Council. Now that he has control, Kranjac will evidently stop at nothing. He takes risks that put our community in jeopardy, without regard for Borough taxpayers and the Borough's reputation. There never has been any clear path to, or prospect of, fulfilling his promise to "Stop 800 Sylvan".

The Mayor mistakenly believes that the 65-unit affordable housing project, now being planned on Hudson Terrace near Borough Hall, will satisfy the Borough's affordable housing obligation. He fails to recognize that the Hudson Terrace project was approved by the Court only as part of a broader settlement which included the 800 Sylvan Avenue site and multiple overlay zones. The Mayor and Council have no authority to pick and choose which parts of the Settlement Agreements and Court Orders they want to comply

with. The construction of the Hudson Terrace project cannot, and will not, reduce or eliminate 800 Sylvan's right to build as many as 600 residential units on its property.

The promise the Mayor has made to his followers is a delusion. 800 Sylvan will not be stopped by the Courts from building dense inclusionary residential housing on its property. Despite his personal grievances, complaints and accusations, Kranjac cannot bend New Jersey's legislative and judicial systems to his will or bully them into submission. The misleading of the public and the waste of our taxpayer dollars should have ended long ago.

***Eye on the Cliffs* is a publication of EC for Responsible Government, a non-partisan and not-for-profit residents group whose goal is community education about local issues. Our website, <https://ecfrg.org>, contains more detailed information, court documents and previous issues. We are completely supported by resident contributions. Contributions are appreciated and can be mailed to:**

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